

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JASON FLAKES,

Plaintiff,

Case No. 1:24-cv-122

v.

Honorable Ray Kent

UNKNOWN REED et al.,

Defendants.

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the St. Louis Correctional Facility (SLF) in St. Louis, Gratiot County, Michigan. The events giving rise to Plaintiff's action occurred at that facility. Plaintiff sues the following SLF staff in their individual and official capacities: Unknown Reed, D. Horvath, J. Bugbee, K. Parsons, Darrel Barrows, Unknown Russell, Stephanie Adams, Tracy Grossett, Robert Cooper, Unknown Ramirez, and Unknown VandeCastele. (Compl., ECF No. 1, PageID.1, 3–4.) In his *pro se* complaint, Plaintiff presents claims related to the issuance of his state identification card at SLF, his access to SLF's law library, and medical and mental health care that he received during his incarceration at SLF. (*See generally id.*)

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events underlying the complaint occurred in Gratiot County. Defendants are public officials serving in Gratiot County, and they “reside” in that county for purposes of venue over a suit challenging official acts. *See Butterworth v. Hill*, 114 U.S. 128,

132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Gratiot County is within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). In these circumstances, venue is proper only in the Eastern District of Michigan. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not determined whether Plaintiff is permitted to proceed *in forma pauperis* in this action, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

Dated: February 20, 2024

/s/ Ray Kent

Ray Kent

United States Magistrate Judge